

RESOLUTION RESCINDING COUNCIL RESOLUTION 17-0630 AWARDING SERVICE
CONTRACT TO TRANSDEV SERVICES, INC. FOR THE MANAGEMENT AND
OPERATIONS OF TRANSIT SERVICES PROVIDED BY THE GREENSBORO TRANSIT
AUTHORITY AND EXTENDING TRANSDEV SERVICES, INC.'S CURRENT
CONTRACT FOR AN UP TO TWELVE MONTHS

WHEREAS, on October 17, 2017, City Council adopted a Resolution 17-0630 awarding the "Service Contract for the Management and Operations of Transit Services Provided by the Greensboro Transit Authority" to Transdev Services, Inc.;

WHEREAS, on or about December 1, 2017, outside counsel for the GTA Board, Mr. Anthony Fox of Parker Poe Adams & Bernstein, LLP, received notification from a GTA Board Member that a member of the GTA Evaluation and Selection Committee is married to an employee of Transdev Services, Inc. (hereinafter, "Transdev");

WHEREAS, Title 2 of the Code of Federal Regulations prohibits any employee from participating in the selection, award, or administration of a federally supported contract, if he or she has a real or apparent conflict of interest;

WHEREAS, as a requirement of receiving federal grants, the City also enacted Human Resources Personnel Policy HR B-22, which recites this regulation and implements it in our local decision making processes;

WHEREAS, since a member of the GTA Evaluation and Selection Committee is currently married to an employee of Transdev, that member's scoring and vote of the Proposals constituted, at minimum, an apparent conflict of interest prohibited by federal law;

WHEREAS, City Staff recommends that the Council rescind its resolution awarding the Transit Services Contract to Transdev and extend Transdev's current contract for up to one year to allow the GTA Board to constitute a completely new Evaluation and Selection Committee to review the RFPs that were previously submitted by the Proposers;

WHEREAS, each Proposer will be given an opportunity to amend their proposal to substitute members of their Key Management Personnel, because the original members that were proposed may no longer be available;

WHEREAS, new interviews will be conducted with all Proposers, and new Best and Final Offers (hereinafter, "BAFO") will be accepted after these interviews so that all Proposers can update their prices;

WHEREAS, the City's outside counsel, Anthony Anderson of Thompson Coburn, LLC, a Washington, D.C. law firm with substantial experience in these matters, agrees that this option will satisfy the federal agency that funds the City's transit system, the Federal Transit Authority, that this conflict of interest issue will be resolved in accordance with federal laws and regulations;

WHEREAS, this option also has the advantage of removing the "apparent conflict of interest" presented by the GTA Evaluation and Selection Committee member without repeating the entire procurement process;

WHEREAS, currently, the City/GTA has a three year contract with two one-year options, with Transdev Services, Inc. for the management and operations of transit services provided by the Greensboro Transit Authority. The three year contract expired on June 30, 2017;

WHEREAS, on June 20, 2017, City Council extended this contract for an additional six months for a sum not to exceed \$9 million. This extension will expire on December 31, 2017;

WHEREAS, Transdev indicates that it will agree to an extension of up to one year with a price adjustment to allow for the prices of the new union contract which Transdev is currently negotiating;

WHEREAS, City Staff requests authorization to enter into another extension for up to twelve months, until December 31, 2018, for a sum not to exceed \$18 million.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

The City Council hereby rescinds City Council Resolution, 17-0630, awarding the "Service Contract for the Management and Operation Of Transit Services Provided By The Greensboro Transit Authority" to Transdev Services, Inc. to constitute a completely new Evaluation and Selection Committee to: (1) review the RFPs that were previously submitted by the Proposers; (2) allow Proposers to substitute members of their Key Management Personnel; and (3) to submit new Best and Final Offers to be reviewed. City Council also authorizes the City Manager to extend Transdev Services, Inc.'s contract for an additional twelve months, through December 31, 2018, for a sum not to exceed \$18 million.